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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,244	09/28/2001	Timo Vitikainen	NOKM.013PA	6582
7590	12/06/2004		EXAMINER	
STEVEN R. FUNK CRAWFORD PLLC 1270 NORTHLAND DRIVE, SUITE 390 ST. PAUL, MN 55120			VU, THONG H	
		ART UNIT	PAPER NUMBER	2142

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/967,244	VITIKAINEN ET AL.	
	<b>Examiner</b> Thong H Vu	<b>Art Unit</b> 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 September 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-59 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-59 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 28 September 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/24/02.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

1. Claims 1-59 are pending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-59 are rejected under 35 U.S.C. § 103 as being unpatentable over DeLorme et al [DeLorme, 5,948,040] in view of Petelycky et al [Petelycky, 6,204,840 B1].
3. As per claim 1, Delorme discloses a method of dynamically creating a sample of multimedia content for preview by a user of a mobile terminal [Delorme, PDA and multimedia information for previewing the entire trip, col 7 lines 22-34], generating a mobile terminal specific preview sample of the multimedia content using the extracted preview sample for transmission to a specific mobile terminal [Delorme, PDA and multimedia information for previewing the entire trip, col 7 lines 22-34].

However DeLorme does not detail providing a first set of parameters associated with a size of a preview sample of the multimedia content; and providing a second set of parameters associated with composition of the preview sample; dynamically extracting (i.e.: filter) the preview sample from the multimedia content using the respective first and second parameter sets;

It was well-known in the multimedia art that the real-time preview including the selections of size and composition as taught by Petelycky [Petelycky, the multimedia source for real-time preview of the sequence composition, col 3 lines 1-10 et seq; size and composition sequence, col 11 lines 25-40 et seq; special effects filters, col 13 lines 50-67; dynamically displayed in viewing window, col 14 lines 3-15].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the leasts of size and composition sequence as taught by Petelycky into the DeLorme's apparatus in order to utilize the user customized multimedia information. Doing so would provide the ability to achieve the effect in a non-linear digital multimedia editing environment which is highly desirable.

4. As per claim 2, DeLorme-Petelycky disclose the first set of parameters comprises one of a maximum downloading time parameter or a maximum downloading cost parameter [DeLorme, database with multimedia information include cost, col 79 lines 35-45], and the second set of parameters comprises at least one composition rule associated with a composition of the preview sample of the multimedia content as inherent feature of source library [Petelycky, source library, col 11 lines 10-40].

5. As per claim 3, DeLorme-Petelycky disclose the first set of parameters comprises a bit rate value (i.e.: size) associated with transmission of the extracted preview sample to the specific mobile terminal, and the second set of parameters comprises a

parameter indicative of a multimedia capability of the specific mobile terminal [Petelycky, one or more audio tracks to a composition sequence, a list window for composition display, dynamically added to the video object, col 15 lines 29-50].

6. As per claim 4, DeLorme-Petelycky disclose the bit rate value (i.e.: size) defines an actual transmission bit rate value or an estimated transmission bit rate value.

7. As per claim 5, DeLorme-Petelycky disclose the first set of parameters comprises a bit rate value associated with transmission of the extracted preview sample to the specific mobile terminal, and the second set of parameters comprises at least one composition rule associated with a composition of the preview sample of the multimedia content [Petelycky, one or more audio tracks to a composition sequence, a list window for composition display, dynamically added to the video object, col 15 lines 29-50].

8. As per claim 6, DeLorme-Petelycky disclose the first set of parameters comprises one of a maximum downloading time parameter or a maximum downloading cost parameter [DeLorme, database with multimedia information include cost, col 79 lines 35-45], and the second set of parameters comprises a parameter indicative of a multimedia capability of the specific mobile terminal [Petelycky, one or more audio tracks to a composition sequence, a list window for composition display, dynamically added to the video object, col 15 lines 29-50].

9. As per claim 7, DeLorme-Petelycky disclose the bit rate value defines an actual transmission bit rate value or an estimated transmission bit rate value [Petelycky, data rate box, col 16 lines 33-63].

10. As per claim 8, DeLorme-Petelycky disclose a first parameter of the first parameter set comprises a maximum downloading time parameter or a maximum downloading cost parameter; a second parameter of the first parameter set comprises a bit rate value [Petelycky, data rate box, col 16 lines 33-63]; a first parameter of the second parameter set defines one or more composition rules, an a second parameter of the second parameter set comprises a multimedia capability parameter associated with the specific mobile terminal [Petelycky, one or more audio tracks to a composition sequence, a list window for composition display, dynamically added to the video object, col 15 lines 29-50].

11. As per claim 9, DeLorme-Petelycky disclose at least one parameter of the first set of parameters is established by a provider of the multimedia content or a user of the specific mobile terminal, and at least one parameter of the second set of parameters is a network resource parameter.

12. As per claim 10, DeLorme-Petelycky disclose at least one parameter of the first set of parameters is a network resource parameter, and at least one parameter of the

second set of parameters is established by a provider of the multimedia content [Petelycky, audio or video sources and content source library, col 16 lines 1-22].

13. As per claim 11, DeLorme-Petelycky disclose a first parameter of the first parameter set and a first parameter of the second parameter set are established by a provider of the multimedia content; and a second parameter of the first parameter set and a second parameter of the second parameter set are network resource parameters [Petelycky, audio or video sources and content source library, col 16 lines 1-22].

14. As per claim 12, DeLorme-Petelycky disclose formatting the extracted preview sample to comply with a format usable by the specific mobile terminal [Petelycky, the desired video format, col 16 lines 34-63].

15. As per claim 13, DeLorme-Petelycky disclose packaging the extracted preview sample to comply with a predetermined usage or distribution rule as inherent features of Distribute computing system.

16. As per claim 14, DeLorme-Petelycky disclose extracting the preview sample having a particular length based on the respective first and second parameter sets [Petelycky, file length, col 16 line 64-col 17 line 10; length of time, col 18 lines 7-22]

17. As per claim 15, DeLorme-Petelycky disclose extracting the preview sample defined between a starting index and an ending index of the multimedia content based on the respective first and an second parameter sets as inherent feature of database [DeLorme, database, col 13 lines 1, col 16 lines 32-59].

As per claim 16 DeLorme-Petelycky disclose a server system for dynamically creating a sample of multimedia content for preview by a user of a mobile terminal [Delorme, PDA and multimedia information for previewing the entire trip, col 7 lines 22-34], comprising:

- a profile database that stores one or both of mobile terminal profiles and user profiles [DeLorme, database, col 13 lines 1, col 16 lines 32-59];
- a multimedia content source that provides multimedia content [Petelycky, audio or video sources and content source library, col 16 lines 1-22]; and
- a manager module coupled to the profile database and multimedia content source, the manager module accessing the profile database and a specific mobile terminal to obtain a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample, the manager module dynamically extracting the preview sample from the multimedia content using the respective first and second parameter sets, and generating a mobile terminal specific preview sample of the multimedia content using the extracted preview sample for transmission to the specific mobile terminal [Petelycky, the multimedia source for real-time preview of the sequence composition, col 3 lines 1-

10 et seq; size and composition sequence, col 11 lines 25-40 et seq; dynamically displayed in viewing window, col 14 lines 3-15].

18. As per claim 31, DeLorme-Petelycky disclose a method of wirelessly previewing multimedia content by a user [Delorme, PDA and multimedia information for previewing the entire trip, col 7 lines 22-34], comprising:

transmitting a preview signal between a specific mobile terminal and a server system that provides multimedia content; accessing a first set of parameters associated with a size of a preview access sample of the multimedia content and a second set of parameters associated with composition of the preview sample; dynamically generating a customized preview sample of the multimedia content for the specific mobile terminal using the respective first and second parameter sets; transmitting the customized preview sample to the specific mobile terminal; and playing the customized preview sample at the specific mobile terminal [Petelycky, the multimedia source for real-time preview of the sequence composition, col 3 lines 1-10 et seq; size and composition sequence, col 11 lines 25-40 et seq; special effects filters, col 13 lines 50-67; dynamically displayed in viewing window, col 14 lines 3-15].

19. As per claim 43 DeLorme-Petelycky disclose a system for facilitating wireless previewing of multimedia content by a mobile terminal [Delorme, PDA and multimedia information for previewing the entire trip, col 7 lines 22-34];

a profile database that stores one or both of mobile terminal profiles and user profiles [DeLorme, database, col 13 lines 1, col 16 lines 32-59];

a multimedia content source that provides multimedia content [Petelycky, audio or video sources and content source library, col 16 lines 1-22]; and

a manager module communicatively coupled to the profile database, multimedia content source, and mobile terminal, the manager module, in response to a preview signal communicated between the mobile terminal and the manager module, accessing the profile database and the mobile terminal to obtain a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample, the manager module dynamically generating a customized preview sample of the multimedia content for the mobile terminal using the respective first and second parameter sets, and transmitting the customized preview sample to the mobile terminal for playback by the mobile terminal [Petelycky, the multimedia source for real-time preview of the sequence composition, col 3 lines 1-10 et seq; size and composition sequence, col 11 lines 25-40 et seq; dynamically displayed in viewing window, col 14 lines 3-15, playback and edited, col 3 lines 25-45; col 10 lines 12-36].

20. As per claim 55, DeLorme-Petelycky disclose a system for dynamically creating a sample of multimedia content for preview by a user of a mobile terminal [Delorme, PDA and multimedia information for previewing the entire trip, col 7 lines 22-34], comprising:

means for accessing a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample; means for dynamically generating a customized preview sample of the multimedia content for the specific mobile terminal using the respective first and second parameter sets; and means for transmitting the customized preview sample to the specific mobile terminal, whereby the customized preview sample can be played back at the specific mobile terminal [Petelycky, the multimedia source for real-time preview of the sequence composition, col 3 lines 1-10 et seq; size and composition sequence, col 11 lines 25-40 et seq; dynamically displayed in viewing window, col 14 lines 3-15, playback and edited, col 3 lines 25-45; col 10 lines 12-36].

21. Claims 18-22,32-42,44-54 and 56-59 contain the similar limitations set forth of claims 2-15. Therefore, claims 18-22,32-42,44-54 and 56-59 are rejected for the similar rationale set forth in claims 2-15.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

\*USP 6,426,778 B1. Valdez Jr., discloses a system and method for providing interactive components in motion video.

\*USP 6,535,888 B1. Vijayan discloses a method and system for providing visual search directory.

\*USP 5,467,441. Stone discloses a method for operating on objects in a image.

\*USP 5,257,097 Pineau discloses a method and apparatus for selective interception of a graphic rendering operation for effective image data modification.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904.

The examiner can normally be reached on Monday-Thursday from 7:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3896.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

*Thong Vu*  
*Patent Examiner*  
*Art Unit 2142*

